

DOAR RIECK KALEY & MACK

ATTORNEYS AT LAW

JOHN JACOB RIECK, JR.
JOHN F. KALEY
WALTER MACK
EDWARD SCARVALONE

SPECIAL COUNSEL
JOHN DOAR

OF COUNSEL
AMY ROTHSTEIN
EILEEN MINNEFOR
DAVID RIVERA
JAMES I. WASSERMAN

ASTOR BUILDING
7TH FLOOR
217 BROADWAY
NEW YORK, N.Y. 10007-2911

TELEPHONE: (212) 619-3730
FACSIMILE: (212) 962-5037
e-mail: firm@doarlaw.com
website: www.doarlaw.com

August 1, 2011

Judge Sandra L. Townes
United States District Court
225 Cadman Plaza East
Brooklyn, New York 11201

Dear Judge Townes:

I am writing with regard to United States v. Bombino, et al., 2010 Cr. 0147 (S-1) (SLT) in response to the government's July 28, 2011 letter relating to the handling of Jencks Act material and to the proposed order. Michael D. Sciaretta objects to the proposed order as applied to him for three reasons. First, Mike Sciaretta is a 47 year old married father of two young children. He has led a blameless life; he is not a member or associate of organized crime; he has never lived in Brooklyn; he does not know any members of organized crime; and he is charged not with a crime of violence, but only with defrauding his Massachusetts based employer of \$2,500. Thus, the teachings of Garcia are inapplicable. Second, Garcia by its own terms is limited to cases involving "repeated acts of violence, including

Judge Sandra L. Townes

-2-

August 1, 2011

murder . . . and cases of this kind." Garcia 406 F.Supp.2d at 306. Mr. Sciaretta's alleged conduct is not of that nature; it is not of "this kind". Lastly, the restrictions proposed by the government will require an administrative supervision imposed by counsel which is burdensome. For example, the proposed order would require the return of Jencks Act material to the government. This would necessitate a redaction of any writings or notes by counsel to preserve confidentiality and the work-product privilege. This extra work is simply unfair to Mr. Sciaretta's counsel most especially when even inadvertent non-compliance is sanctionable.

For all the foregoing reasons, the proposed order should not be applicable to Mr. Sciaretta, his attorneys, or agents.

Sincerely,

John Jacob Rieck, Jr.

cc via ECF: Clerk of the Court
All Counsel